

**BEFORE THE ARIZONA BOARD OF
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

IN THE MATTER OF:)	
)	Case No. 2164
JEROLD MORGAN, D.O.)	
Holder of License No. 2107 for the)	ORDER OF REVOCATION
practice of osteopathic medicine in the)	OF LICENSE
State of Arizona.)	
_____)	

The above-captioned matter came before the Arizona Board of Examiners in Medicine and Surgery (hereafter "Board") for consideration on January 23 and 28, 1999. Said proceedings were a result of a Notice of Hearing and Complaint issued to Jerold Morgan, D.O. (hereinafter "Respondent") by the Board on December 21, 1998 pursuant to A.R.S. §32-1855(F). Respondent was duly notified of the administrative formal complaint proceeding. Respondent appeared before the Board on January 23 and 28, 1999, was represented by legal counsel, Charles Buri, and provided testimony and evidence.

Following presentation of evidence and information to the Board, and the Board having considered all the evidence and information in the matter thus presented, and being fully advised, enters the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

I.

Respondent is a licensee of the Board and the holder of License No. 2107 for the practice of osteopathic medicine in the State of Arizona.

II.

The following information demonstrated that Respondent is medically and/or

psychologically unable to safely and skillfully engage in the practice of medicine and may have committed one or more acts of unprofessional conduct as defined in A.R.S. § 32-1854:

- a. Based on events and actions that occurred on or about May 9, 1995 between Respondent and his wife, Respondent was charged by the Maricopa County Attorney's office with Kidnapping, Aggravated Assault and Sexual Assault of Spouse.
- b. On or about November 17, 1997, Respondent entered a plea of guilty to one count of Attempted Aggravated Assault, a class 4 felony. Respondent was sentenced to four years of probation and six months incarceration.

CONCLUSIONS OF LAW

1. Pursuant to Arizona Revised Statutes § 32-1800, et seq., the Arizona Board of Osteopathic Examiners in Medicine and Surgery has subject matter and personal jurisdiction in this matter.

2. Respondent engaged in unprofessional conduct as defined at A.R.S. § 32-1854, subsections;

- (2) Committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude. In either case conviction by any court of competent jurisdiction is conclusive evidence of the commission.
- (19) Any conduct or practice contrary to recognized standards of ethics of the osteopathic medical profession; to wit, American Osteopathic Association Code of Ethics, Section 13, "A physician shall respect the law."
- (40) Any conduct or practice that endangers a patient's or the public health or may reasonably be expected to do so.

ORDER

Pursuant to the authority vested in the Board by A.R.S. § 32-1855(J), **IT IS ORDERED**
THAT:

1. The license to practice as an osteopathic physician in the State of Arizona that was issued to Jerold Morgan, D.O. ("Respondent") is hereby **REVOKED**; and pursuant to A.R.S. § 32-1822(F), a person who has had his license revoked may apply for a license two (2) years after revocation.

All parties are advised that they may file a Motion for Rehearing pursuant to A.A.C. R4-22-106 and that filing of a Motion for Rehearing is a prerequisite of judicial review.

ISSUED this 29th day of January, 1999.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

By: Ann Marie Berger
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Served by personal service or
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Served by interagency mail this
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